

Appl. No. : 09/585,134
Filed : June 1, 2000

herein. The Dickson patent describes a complex system in which numbers and clock like markings are inscribed into nail heads. The markings represent a pattern from which the length and/or gauge of the nail can be identified. However, because the size of the markings is limited by the size of the nail head, for very small nails, the markings cannot be distinguished unless one is within a close proximity (12" maximum) to the nail due to the small size of the inscription. This limits the usefulness of such a marking system, because it would be difficult for building inspectors to determine accurate fastener use from a distance. Further, the Dickson patent states that the nail must be inserted in a specific orientation for the markings to be usable, or that an even more complex marking system providing orientation must be used. Clearly, such complex indicators do not provide the simplification needed by industry and inspectors. Furthermore, the markings taught by Dickson would be distorted by the impact of the driving tool/system, likely making the markings illegible. This system for inscribing distinguishing marks on the nail heads has not been widely adopted, if at all.

Further, the portion of the present application identified as the "Summary of the Invention" reiterates that the color-coding system recited in the claims overcomes the problems associated with the system disclosed in the Dickson reference. Thus, the claims clearly and non-obviously define over the Dickson reference.

The undersigned has made a good faith effort to respond to all of the issued raised by the Examiner in the interview of April 22, 2004. Nonetheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 5/13/04

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